



30 SEP 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jared Gunther
DUANE MORRIS LLP
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

In re Application of Hein, Hans-Peter :
Application No.: 10/578,086 :
PCT Application No.: PCT/DE04/02424 :
Int. Filing Date: 2 November 2004 : DECISION
Priority Date: 7 November 2003 :
Attorney Docket No.: D4695-00153 :
For: PLASTIC COATING OF THE END-INNER :
AREA OF A CAP :
:

This is in response to applicant's Petition To Withdraw Holding of Abandonment filed 21 July 2009, which is being treated under 37 CFR 1.181.

BACKGROUND

On 2 November 2004, applicants filed international application PCT/DE04/02424. The international application claims a priority date of 7 November 2003 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date that is 2 May 2007.

On 3 May 2006, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a declaration in the international application filed under PCT Rule 4.17(iv).

On 16 November 2007, the OFFICE OF INITIAL PATENT EXAMINATION (OIPE) mailed a Notice of Abandonment under 37 CFR 1.53(f) or (g), which indicated that no reply has been received by the USPTO.

On 10 January 2008, the USPTO mailed a Notification of Missing Requirements informing applicant that applicant must submit a translation of the application into English, a processing fee of \$130 (37 CFR 1.492(i)), and an oath or declaration that is executed and identifies the application to which it is directed.

On 7 March 2008, applicant submitted a translation of the application into English and the processing fee of \$130 (37 CFR 1.492(i)).

On 2 July 2008, the DO/EO mailed a Notice of Acceptance (PCT/DO/EO/903) indicating a 371 Date of 7 March 2008.

On 20 November 2008, the OIPE mailed a second Notice of Abandonment, which indicated that no reply has been received by the USPTO.

On 17 July 2009, the OIPE mailed a third Notice of Abandonment, which indicated that no reply has been received by the USPTO.

On 21 July 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the international application finds on 3 May 2006, applicant satisfied requirements of 35 U.S.C. 371(c)(1) and (c)(4). An English translation of the international application and processing fee were provided on 7 March 2008. The translation and processing fee satisfies the requirement of 35 U.S.C. 371(c)(2).

It is determined that Notices of Abandonment dated 16 November 2007; 20 November 2008; and 17 July 2009 were sent in error and are hereby VACATED.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

This Application is being referred to Technology Center Art Unit 3781 for continued examination in due course.



Richard Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

/Brian Whiteman/
Detailee
Office of PCT Legal Administration
Telephone: 571-272-6095
Facsimile: 571-273-0459